

TOWN OF DAVIE  
DEVELOPMENT SERVICES DEPARTMENT  
PLANNING AND ZONING DIVISION  
PLANNING REPORT

June 14, 1999

**SUBJECT:** Rezoning ZB 5-2-99

**APPLICANTS:** Frank A. Aguirre, P.E., petitioner / FLR Company, owner

**ADDRESS/LOCATION:** 5060 SW 82nd Avenue/ on the east side of SW 82nd Avenue approximately 1/2 mile north of Stirling Road.

**LAND USE PLAN / ZONING:**

**REQUEST:**      **From:** A-1 (Agricultural District)  
                         **To:** RM-5 (Low Medium Density Dwelling)

**EXHIBITS TO BE INCLUDED:** Rezoning application, subject site map, planning report, and aerial.

**ANALYSIS:** The subject site is 7.27 acres in size and is currently vacant. The site is bound on the north and west by vacant land zoned A-1, on the south by vacant land zoned RM-5 and by lands zoned B-3, developed as a commercial retail center, and vacant land zoned A-1 to the east. The applicant proposes rezoning of the property from A-1 to the RM-5 zoning district to develop multi-family residential units.

Review of a rezoning request should include consideration of the criteria listed in Section 12-307 of the Land Development Code which is attached hereto, and made a part hereof.  
Section

Future Land Use Policy 1-1 of the Comprehensive Plan Housing Element, states that, the Town shall investigate and implement, as appropriate, innovative land development regulations that afford flexibility in developing residential communities while maintaining adequate standards necessary to promote the health, safety and welfare of Town residents.

The proposed boundaries of the subject property have been logically drawn in relation to existing conditions on the property. There is vacant land directly south of the subject site under the same ownership, which is also zoned RM-5, therefore, the proposed rezoning would not create an isolated zoning district unrelated and incompatible with adjacent and nearby uses. The proposed rezoning would not

adversely affect any of the other property values or deter improvement of other properties in accordance with existing regulations.

Section 12-307 also, requires consideration of whether the proposed change will create or excessively increase automobile and or vehicular traffic congestion above that which would be anticipated with the permitted densities, and whether the change would be a deterrent to the improvement or development of other properties in accordance with existing regulations. The proposed rezoning of said property would allow the proposed development to be in conformance with the existing Residential 5 DU/AC land use designation as outlined in the Town's Comprehensive Plan, therefore, no additional impacts are anticipated.

Access to the subject property will be provided via SW 82nd Avenue, a 50' collector road way. Improvements to SW 82nd Avenue will be reviewed during the platting process required for development of this property.

The proposed rezoning of this property will add additional children to the Town's school system. However, because the existing land use is currently residential the projected capacity of the service schools have already been considered within the future projections for this area. Therefore, the anticipated impact to the school system will not change. Nova Blanche Forman and Nova Eisenhower will be the elementary schools serving the subject area, Nova Middle school will serve the middle school population and Hollywood Hills High School will serve the high school population. All schools are required to maintain a Level of Service (LOS), 0. Currently, the Public Schools Facilities Element identifies that none of the above referenced schools have reached their LOS threshold, therefore, there is no negative impact to the existing school system.

**RECOMMENDATION:** The Planning and Zoning Division recommends **APPROVAL** of the requested rezoning, with a finding that the request is consistent with Comprehensive Plan policies and is in harmony with the general intent and purpose of the Code.

**PLANNING AND ZONING RECOMMENDATION:** Motion to recommend **APPROVAL** (5-0), June 9, 1999.

**TOWN OF DAVIE  
CODE OF ORDINANCES  
(EXCERPT)**

Section 12-307. Review for rezonings.

- (a) The proposed change is contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;
- (b) The proposed change would create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;
- (c) Existing zoning district boundaries are illogically drawn in relation to existing conditions on the property proposed for change;
- (d) The proposed change will adversely affect living conditions in the neighborhood;
- (e) The proposed change will create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;
- (f) The proposed change will adversely affect other property values;
- (g) The proposed change will be a deterrent to the improvement or development of other property in accord with existing regulations;
- (h) The proposed change will constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;
- (i) There are substantial reasons why the property cannot be used in accord with existing zoning.
- (j) The proposed zoning designation is the most appropriate designation to enhance the Town's tax base given the site location relative to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.

EXISTING ZONING: A1  
CODE SECTION:  
PROPOSED ZONING: RM-5  
CODE SECTION:  
LAND USE DESIGNATION: Residential

FOLIO NUMBER

TOWN OF DAVIE USE ONE  
PETITION NO. 700-2  
FEE: \$100.00  
RECEIPT NO. 7058

RECEIVED  
MAY 4 1999

TOWN OF DAVIE  
REZONING APPLICATION

(NOTE: INFORMATION MUST BE TYPED AND NOTARIZED)  
Make Checks payable to Town of Davie

TOWN OF DAVIE  
PLANNING & ZONING DEPARTMENT

DATE FILED: 05/04/99

PHONE: (954) 791-2110

PETITIONER: Frank A. Aguirre, P.E.

MAILING ADDRESS: 7320 Griffin Road, Suite 103, Davie, FL 33314

RELATIONSHIP TO PROPERTY: Project Engineer

OWNER: FLR Company, LLC (A limited liability company registered in the State of Delaware)

MAILING ADDRESS: 5191 N.W. 25 Way, Boca Raton, FL 33496

ADDRESS OF PROPERTY: 5060 SUBZAVENUE

LEGAL DESCRIPTION: (Certified Sealed Boundary Survey to include statement of amount of acreage involved MUST be submitted with application):

SEE ATTACHED

ACREAGE: 7.27 acres

REQUEST: Zoning change from A1 to RM-5

REASON FOR REQUEST (attach additional sheet as necessary):

Adjacent parcel to the South is zoned RM-5

Adjacent parcel to the East is commercial,

to be in conformance with the R5 zoning of the adjacent parcel

\*\*\* PETITIONER MUST BE PRESENT IN ORDER FOR ACTION TO BE TAKEN \*\*\*

OFFICE USE ONLY

APPROVED AS TO FORM: *[Signature]*

PUBLICATION DATE: 5/26/99

MEETING DATE: PLANNING AND ZONING BOARD: 6/9

TOWN COUNCIL: 7/7/99

NOTICES SENT:

REPLIES: FOR:

AGAINST:

UNDELIVERABLE:

FLR Company, LLC  
By: Mark Landau, President  
OWNER'S NAME(S)

Mark Landau  
OWNER'S SIGNATURE (ALL OWNERS MUST SIGN)

5191 N.W. 25 Way  
ADDRESS

Boca Raton, Florida 33496  
CITY, STATE, ZIP

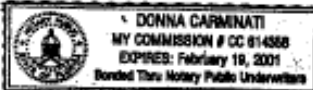
(561) 392-0999  
PHONE

The foregoing instrument was acknowledged before me  
this 4th day of May, 1999, by  
MARK LANDAU who is personally  
known to me or who has produced Driver's  
License  
as identification and who did take an oath.

NOTARY PUBLIC:

Sign: Donna Carminati  
Print: DONNA CARMINATI

My Commission Expires:



Frank A. Aguirre, P.E.  
PETITIONER'S NAME

Frank A. Aguirre  
PETITIONER'S SIGNATURE

7320 Griffin Road, Suite 103  
ADDRESS

Davie, Florida 33314  
CITY, STATE, ZIP

(954) 791-2110  
PHONE

The foregoing instrument was acknowledged before me  
this 4th day of May, 1999, by  
FRANK A. AGUIRRE who is personally  
known to me or who has produced

as identification and who did take an oath.

NOTARY PUBLIC:

Sign: Donna Carminati  
Print: DONNA CARMINATI

My Commission Expires:



OFFICE USE ONLY



